

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: February 23, 2010
TO: Mike Elabarger, Project Manager, Department of Planning
FROM: Val Thomas, Planner, Zoning Administration

CASE NUMBER AND NAME: ZCPA 2009-0007; ZMOD 2009-0004;
Belmont Glen Village;

3rd Referral

TAX MAP/PARCEL NUMBER: /78////////9; 195-19-3084

Staff has reviewed the revised **Zoning Concept Plan Amendment** and **Zoning Modification** application and offers the following additional comments:

1. **Modification of required buffer adjacent to residential development, R-8 (Single-Family Residential) Zoning District, § 3-509(C), Additional Development Standards – Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.

Section 4-109(C) Site Planning, External Relationships – Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either:

- (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,
- (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.

Proposed Modification – Along the boundary that adjoins the Goose Creek Preserve property to the northeast, the applicant proposes to provide:

- A minimum 25-foot permanent open space buffer along lot 37, a lot containing a minimum of 10,000 square feet;
- A minimum 30-foot permanent open space buffer along lots 48-50, lots containing a minimum of 9,000 square feet;
- A 25-foot rear yard along lots 38 and 39, lots containing a minimum of 7,500 square feet; lot 38 also has some permanent open space buffer less than 50 feet in dimension;
- A 25-foot yard plus 50-foot street right-of-way along lots 17, 18, and 19; lot 19 also has permanent open space buffer less than 50 feet in dimension between the street right-of-way and the zoning district boundary.

Applicant's Justification – The Applicant notes that the adjacent Goose Creek Preserve property is zoned PD-H4, at a higher density than Belmont Glen and has no required minimum lot size. Both properties propose single family detached units along the common property boundary and Goose Creek Preserve is providing an open space buffer along the common boundary with Belmont Glen Village. This open space buffer is wooded with mature stand of trees.

Staff Response – The public purpose of the 50-foot buffer requirement is to provide a visual separation between two zoning districts or residential land bays with potentially dissimilar lot sizes and to provide protection of the development from potentially adverse influences. While Staff does not believe that the development provides for an innovative design, the open space buffer provided on the adjacent development, the minimum required rear yard setback and reduced open space buffer on these few lots serves the required visual separation of the Ordinance. Further, the development is proposed to locate in close proximity to the Goose Creek Preserve property thus maximizing the open space buffer along Goose Creek (67% of the site will be maintained as open space). Staff can support this modification request.

Staff however asks that the Applicant includes Lot 47 in this modification request as it appears that part of the lot do not meet the minimum required permanent open space buffer of at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard. Further, please depict and label the proposed reduced 25-foot and 30-foot permanent open space buffer on the CDP (Sheet 3).

2. **Modification of ADU Requirements to permit cash in lieu of units, § 7-103(A)(1) Single Family Detached and Single Family Attached Units.**

Proposed Modification - Request modification to permit cash buyout in lieu of the required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3)

Staff comment- Staff supports this modification. Please see earlier referral for comments.

3. **Modification of Single-Family Detached Lot Yard Requirements – Section 3-506(C)(1) Lot Requirements –Single-Family Detached Dwellings Front and Side Yards**

Proposed Modification - For lots 1-13 and 193-196 only, the applicant proposes a 15 foot minimum front yard and a 9 foot minimum side yard. For the remainder of the lots, the applicant proposes a 6 foot minimum side yard with a 12 foot minimum distance between dwellings.

Applicant's Justification – None

Staff Comment – Pursuant to Section 6-1504 of the Ordinance, no modification shall be approved unless such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

Please provide a justification for the proposed modification and demonstrate how such modification achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.